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SEP 22 2008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jung-Chun TSENG

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: Transmission for a Swing Exerciser

EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

TRANSMITTAL COVER SHEET FOR RENEWED PETITION UNDER 37 CFR 1.181

Sir:


Transmitted herewith for filing are as the follows:

1. Renewed petition under 37 CFR 1.181 (2 pages);
2. Statement by local agent (2 pages);
3. Copies of docket records of Monthly Log Book for Mail Delivery from USPTO to P.O. Box 6-57 (6 pages);

Respectfully submitted,

Date: September 22, 2008

By:

  
Jung-Chun TSENG

Address all Correspondences to:

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068 / FAX: 886-2-3233-7938

E-mail: [tipa.com@msa.hinet.net](mailto:tipa.com@msa.hinet.net)

P.S. The transmission by facsimile containing 11 pages including the cover sheet.

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EXAMINER: DEMILLE, DANTON D

(571) 273-8300

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## STATEMENT BY LOCAL AGENT

Dear Sir,

Further to the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Fee(s) Due sent by my client Jung-Chun TSENG on October 23, 2007, I, Vincent LIN, the local agent who handled the incoming mail would like to make the statement as follows:

I hereby confirm that I, Vincent LIN, was at the correspondence address, P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due was supposed to mail as a mail date of "May 02, 2006" in USPTO website-PAIR as well as the Notice of Abandonment which was supposed to mail as a mail date of "November 12, 2003" as indicated in the Decision on Petition of July 22, 2008.

I also declare that I was diligent in checking and handling the incoming mail routinely on every week and neither the Notice of Allowance and Fee(s) Due nor the Notice of Abandonment in question was not received from USPTO after a thorough search and investigation of the file jacket and the docket records have been done.

In order to support the fact for failure to receive the Notice of Allowance and Fee(s) Due in question, copies of the docket records maintained by our end (6 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communications are attached herewith for reference. Accordingly, it is obvious to be seen that failure to receive the official communications has great relations to the contracted courier TNT as highlighted in our petition statement dated October 23, 2007. Also, same condition happened to applications 10/685596,

10/681897, 10/435463, 10/163551 and 10/205418, for which the aforementioned applications that were lapsed under the same circumstances had finally been granted after the submission of sufficient evidences to prove that I, the local agent, is innocent and should not be blamed for not timely responding to the official communications.

I hereby declare that I have firsthand knowledge and all statement made herein are true and that all statements made on information and belief are believed to be true.

SIGNED BY

The local agent who handled the mail delivery of the Office Communications:

Name: Vincent LIN

Signature: Vincent Lin

Date: September 22, 2008

*Address all Correspondences to:*

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: [tipa.com@msa.hinet.net](mailto:tipa.com@msa.hinet.net)

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IN RE APPLICATION OF: Jung-Chun TSENG

SERIAL NUMBER: 10/042,328

GROUP ART UNIT: 3764

FILED: 01/11/2002

FOR: Transmission for a Swing Exerciser

EXAMINER: DEMILLE, DANTON D

(571) 273-8300

Attn: Office of Petitions

**PETITION TO REINSTATE APPLICATION DUE TO FAILURE TO RECEIVE  
NOTICE OF ALLOWANCE AND FEE(S) DUE UNDER 37 C.F.R.1.181**

Dear Sir,

Further to my Petition to Withdraw Holding of Abandonment based on Failure to Receive Notice of Allowance and Fee(s) Due sent by fax, for which 2 pages of the journal report were being provided along with the previous petition, I hereby would like to emphasize that neither the aforementioned Notice of Allowance and Fee(s) Due nor the Notice of Abandonment mailed on November 12, 2003 was received until now.

I also confirm that the correspondence address was in fact at P.O. Box No.6-57, Junghe, Taipei 235, Taiwan, R.O.C. during the time period the Notice of Allowance and Fee(s) Due and the Notice of Abandonment were supposed to mail in accordance with the mail date March 22, 2006 and November 12, 2003 respectively as indicated in USPTO website-PAIR.

According to the local agent at my correspondence address who would have checked and handled the office communication routinely on every week, a thorough search and investigation of the file jacket and docket records has been done indicating that the Notice of Allowance and Fee(s) Due as well as the Notice of Abandonment were not, in fact received from USPTO. Please check carefully copies of the docket records maintained by the local agent (6 pages) recording mail delivery received from USPTO during the reasonable period after the date of Office Communication.

In view of the evidence adequately supported, grant of the petition and also re-mail of the Notice of Allowance and Fee(s) Due is respectfully requested.


I hereby declare that we have firsthand knowledge and all statement made herein are true and

that all statements made on information and belief are believed to be true.

SIGNED BY:

The applicant of the above referenced patent:

Name: Jung-Chun TSENG

Signature: 

Date: September 22, 2008

*Address all Correspondences to:*

Jung-Chun TSENG

P. O. Box No.6-57, Junghe, Taipei 235, Taiwan

TEL:886-2-3233-9068

FAX: 886-2-3233-7938

E-mail: [tipa.com@msa.hinet.net](mailto:tipa.com@msa.hinet.net)

## MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: July 2003

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
23~24/63	X		Vincent	7/9/03	Lease	7/10/03	Notice of Allowance	58165,321	42-1513A GT00057	
"	X		"	"	"	"	Filing Receipt	10/689,227	42-1513A GT003450	
24~25/63	X		Vincent	7/16/03	Lease	7/17/03	"	10/685,500	42-1513A WB000136	
"	X		"	"	"	"	"	10/661,086	42-1513A CT000188	
26~27/63	X		Vincent	7/22/03	"	7/23/03	"	10/643,915	42-1513A CH000160	
"	X		"	"	"	"	"	10/640,200	42-1513A TG000126	
"	X		"	"	"	"	Notice of Recordation of Assignment Doc.	10/639,533	42-1513A CT000186	
"	X		"	"	"	"	Filing Receipt	10/635,500	42-1513A CT000138	
28~29/63	X		Vincent	7/30/03	"	7/31/03	"	10/600,238	42-1513A ZH000059	
"	X		"	"	"	"	"	10/600,239	42-1513A TG000080	

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*July &*  
**MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57**

*August 2003*  
 Month/ Year: August 2003

**Taiwan Intellectual Property Agent Co., Ltd.**

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
28~8/6	X		Viviana	8/30	Cent	8/6	Filing Receipt	10/053, 235	02-058A 01030066	
"	X		"	"	"	"	"	10/053, 263	02-066A 01030156	
"	X		"	"	"	"	"	10/053, 273	02-0610A 01030066	
8/6~8/13	X		Viviana	8/6	"	8/13	"	10/053, 316	02-067A 01030163	
"	X		"	"	"	"	"	10/053, 503	02-1135A 01030166	
"	X		"	"	"	"	"	10/053, 301	02-1539 01030188	
"	X		"	"	"	"	Notice of Allowance	10/056, 285	02-2002A 01030156	

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## MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: November 2007

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
11/1-11/3/07	X				Alexus	11/3/07	Filing Receipt	10/03, 988	02-1523A 75 030257	
11/3-11/9/07	X				Alexus	11/3/07	Office Action	10/08, 360	02-0507A 05 0201	
	X						Notice of Allowance	10/09, 053	02-0507A 04 020108	
	X						Office Action	10/09, 053	02-1501A 05 0201	
	X						Issue Verification	10/11, 181	02-0307A 07 020108	
	X							10/16, 301	02-1523A 07 020108	
	X						Filing Receipt	10/15, 300	02-1523A 04 020108	
	X							10/15, 972	02-0507A 07 020108	

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## MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: Dec 2007 / Jan 2008

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
12/11/07 - 12/18/07	X		Vincent	12/14/07	Cleare	12/14/07	Office Action	10/28, 250	10-0701A C702036	
	X						"	10/25, 593	10-1170A GB000301	
12/18/07 - 12/25/07	X		Vincent	12/24/07	Cleare	12/24/07	Issue Notification	10/26, 388	10-1003A SK00026	
	X						Office Action	10/28, 138	10-1003A 3400089	
	X						Filing Receipt	10/27, 336	10-0701A C702036	
	X						"	10/27, 11, 573	10-0701A C702036	
	X						Notice of Allowance	10/27, 11, 573	10-1003A C702036	
12/25/07 - 1/1/08	X		Vincent	12/24/07	Cleare	12/24/07	Filing Receipt	10/28, 160	10-1003A 34000336	
	X						"	10/28, 163	10-0701A C702036	
	X						"	10/28, 160	10-1003A 34000336	

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## MONTHLY LOG BOOK FOR MAIL DELIVERY FROM USPTO TO P.O. BOX 6-57

Month/ Year: December 2003

Taiwan Intellectual Property Agent Co., Ltd.

Period weekly	PAT	TM	Delivered by	Date	Released by	Date	Contents	Serial No.	Our Ref. No.	Remarks
12/12-12/13/03	X		Vincent	12/13/03	Vincent	12/13/03	Filing Receipt	27,19,016	02-07394	
	X						"	27,19,017	02-02398	
12/14-12/15/03	X		Vincent	12/15/03	Vincent	12/15/03	"	10/660,037	02-05104	
	X						"	10/660,500	02-11038	
12/16-12/17/03	X		Vincent	12/17/03	Vincent	12/17/03	"	10/661,605	02-03179	
	X						Office Action	27,19,016	02-11038	
	X						Filing Receipt	27,19,017	02-05104	
	X						"	10/661,608	02-10519	
	X						"	10/660,501	02-10294	
12/18-12/19/03	X		Vincent	12/19/03	Vincent	12/19/03	"	10/665,145	02-00054	

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